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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**STAR FABRICS, INC., a California
Corporation.**

Plaintiff,

V.

LF STORES, CORP., a California Corporation; I JOAH, a business entity of form unknown; and DOES 1 through 10,

Defendants.

| Case No.:

PLAINTIFF'S COMPLAINT FOR COPYRIGHT INFRINGEMENT

Jury Trial Demanded

Star Fabrics, Inc., by and through its undersigned attorneys, hereby prays to this honorable Court for relief based on the following:

JURISDICTION AND VENUE

1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101 *et seq.*
 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 1338 (a) and (b).

3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and
1400(a) in that this is the judicial district in which a substantial part of the acts and
omissions giving rise to the claims occurred.

PARTIES

4. Plaintiff STAR FABRICS, INC. is a corporation organized and existing
5 under the laws of the State of California with its principal place of business located
6 at 1440 East Walnut Street, Los Angeles, California 90011.
7

8 5. Plaintiff is informed and believes and thereon alleges that Defendant LF
9 STORES, CORP. ("LF") is a corporation organized and existing under the laws of
10 the state of California, with its principal place of business located at 5333
11 McConnell Ave. Los Angeles, CA 90066.

12 6. Plaintiff is informed and believes and thereon alleges that Defendant I
13 JOAH (“I JOAH”) is a business entity of form unknown, with its principal place of
14 business located at 1721 Wall Street, Los Angeles, California 90015.

15 7. Plaintiff is informed and believes and thereon alleges that Defendants
16 DOES 1 through 10, inclusive, are other parties not yet identified who have infringed
17 Plaintiff's copyrights, have contributed to the infringement of Plaintiff's copyrights,
18 or have engaged in one or more of the wrongful practices alleged herein. The true
19 names, whether corporate, individual or otherwise, of Defendants 1 through 10,
20 inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants
21 by such fictitious names, and will seek leave to amend this Complaint to show their
22 true names and capacities when same have been ascertained.

23 8. Plaintiff is informed and believes and thereon alleges that at all times
24 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
25 manager, principal, alter-ego, and/or employee of the remaining Defendants and was
26 at all times acting within the scope of such agency, affiliation, alter-ego relationship
27 and/or employment; and actively participated in or subsequently ratified and/or

1 adopted each of the acts or conduct alleged, with full knowledge of all the facts and
2 circumstances, including, but not limited to, full knowledge of each violation of
3 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

4 **CLAIMS RELATED TO DESIGN NO. 65419**

5 9. Plaintiff owns an original two-dimensional artwork used for purposes of
6 textile printing entitled 65419 ("Subject Design") which has been registered with the
7 United States Copyright Office.

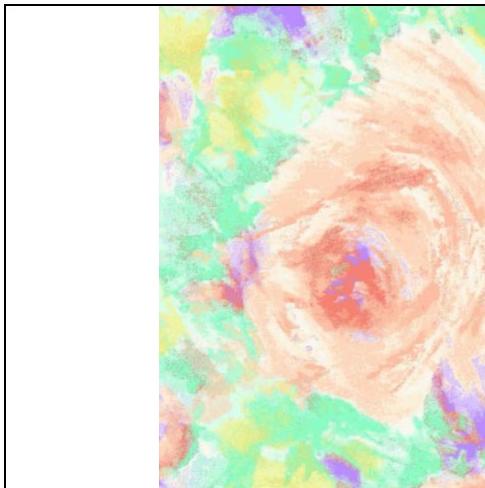
8 10. Prior to the acts complained of herein, Plaintiff widely disseminated fabric
9 bearing Subject Design to numerous parties in the fashion and apparel industries.

10 11. Plaintiff is informed and believes and thereon alleges that following its
11 distribution of Subject Design, LF, I JOAH, DOE Defendants, and each of them
12 distributed and/or sold fabric and/or garments featuring a design which is
13 substantially similar to Subject Design (hereinafter "Subject Product") without
14 Plaintiff's authorization, including but not limited to products sold by:

- 15 a. LF under Item No. 159689.
16 b. I JOAH under Item No, 1307240011 with the label "touch me."

17 12. An image of Subject Design and an exemplar of Subject Product are set
18 forth hereinbelow:

19 **Subject Design A**



20 **Subject Product A**





FIRST CLAIM FOR RELIEF

(For Copyright Infringement - Against All Defendants, and Each)

13. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

14. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Design, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of the Subject Design by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) access to garments in the marketplace manufactured with lawfully printed fabric bearing the Subject Design.

15. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures garments and/or is a garment vendor. Plaintiff is further informed and believes and thereon alleges that said Defendant(s), and each of them, has an ongoing business relationship with Defendant retailers, and each of

1 them, and supplied garments to said retailers, which garments infringed the Subject
2 Design in that said garments were composed of fabric which featured unauthorized
3 print designs that were identical or substantially similar to the Subject Design, or
4 were an illegal modification thereof.

5 16. Plaintiff is informed and believes and thereon alleges that Defendants, and
6 each of them, infringed Plaintiff's copyright by creating, making and/or developing
7 directly infringing and/or derivative works from the Subject Design and by
8 producing, distributing and/or selling Subject Products through a nationwide
9 network of retail stores, catalogues, and through on-line websites.

10 17. Due to Defendants', and each of their, acts of infringement, Plaintiff has
11 suffered damages in an amount to be established at trial.

12 18. Due to Defendants', and each of their, acts of copyright infringement as
13 alleged herein, Defendants, and each of them, have obtained profits they would not
14 otherwise have realized but for their infringement of the Subject Design. As such,
15 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits
16 attributable to the infringement of the Subject Design in an amount to be established
17 at trial.

18 19. Plaintiff is informed and believes and thereon alleges that Defendants, and
19 each of them, have committed copyright infringement with actual or constructive
20 knowledge of Plaintiff's rights such that said acts of copyright infringement were,
21 and continue to be, willful, intentional and malicious.

22 **PRAYER FOR RELIEF**

23 Wherefore, Plaintiff prays for judgment as follows:

- 24 a. That Defendants—each of them—and their respective agents and
25 servants be enjoined from importing, manufacturing, distributing,
26 offering for sale, selling or otherwise trafficking in any product that
27 infringes Plaintiff's copyrights in the Subject Design;

- 1 b. That Plaintiff be awarded all profits of Defendants, and each of them,
- 2 plus all losses of Plaintiff, the exact sum to be proven at the time of trial,
- 3 or, if elected before final judgment, statutory damages as available under
- 4 the Copyright Act, 17 U.S.C. § 101 et seq.;
- 5 c. That Plaintiff be awarded its attorneys' fees as available under the
- 6 Copyright Act U.S.C. § 101 et seq.;
- 7 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 8 e. That Plaintiff be awarded the costs of this action; and
- 9 f. That Plaintiff be awarded such further legal and equitable relief as the
- 10 Court deems proper.

11 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.
12 38 and the 7th Amendment to the United States Constitution.

13 Dated: February 1, 2016

DONIGER/BURROUGHS

14
15 By: /s/ Stephen M. Doniger
Stephen M. Doniger, Esq.
Howard S. Han, Esq.
16 Attorneys for Plaintiff